

SHERA ADMINISTRATIVE REVIEWS

IMPLEMENTATION GUIDANCE

Last Updated: 4/28/2021

Owners or Property Managers who participate in the SHERA Program (“Owners”) are expected to work with tenants with eligible arrearages to obtain and document all required verification and to submit an application for SHERA payment on behalf of those tenants. In addition, in cases where tenants are determined to be ineligible for SHERA, Owners are expected to work with tenants who ask for a review of ineligibility determinations.

There are two stages in which a tenant may seek a review of an ineligibility determination: (1) at the preapplication stage, after the **Owner** determines a tenant is ineligible to apply for SHERA and (2) at the tenant claim stage, after **DHCD** determines a tenant is ineligible for SHERA payment. This guidance outlines the Owner’s various responsibilities in each stage of review.

Tenant’s Request to Review Owner’s Determination at the Preapplication Stage

Once an Owner has received all necessary SHERA documentation from a tenant, the Owner will make a determination of whether the tenant is eligible for SHERA.

The Owner must not deem the tenant ineligible based on self-attestation of financial hardship due to COVID-19. However, the owner may have documentation proving that the tenant does not have eligible rent arrears, is above the income limitation, or has already received assistance being requested.

If an Owner determines that a tenant is not eligible for SHERA assistance, the Owner will immediately notify the tenant of the reasons by sending a *SHERA Tenant Ineligibility Notice*. This notice will provide the tenant with the opportunity to ask the Owner for an administrative review within 15 calendar days. The tenant will need to request the review in writing with a statement and supporting documentation of why they believe the Owner made an incorrect determination.

Once the Owner receives this request, the Owner must review all submitted documentation to determine whether the tenant is eligible for SHERA within 15 calendar days (of receiving the request). The Owner must designate the reviewer to be someone within the Owner’s staff who did not make the initial determination that is being contested.

Upon review, if the Owner determines the tenant is eligible for SHERA, the Owner is expected to submit an application on behalf of the tenant through the SHERA Portal; to notify the tenant of the application submission; and to continue with the SHERA claim process on behalf of the tenant. Alternatively, if the Owner confirms that the tenant is ineligible for SHERA, the Owner must notify the tenant of the decision. In the redetermination notice, the Owner must include:

1. A statement encouraging the tenant to notify the Owner of any changed circumstances in the future in case the tenant may then be eligible for SHERA; and
2. A listing of available rental assistance resources, including information on the no-cost community mediation program.

After the Owner sends the redetermination notice confirming a tenant’s ineligibility, if the tenant desires it, the Owner is expected to meet with the tenant in a structured, interactive mediation

program, such as the state-funded no cost community mediation program, in order to identify a mutual resolution addressing outstanding rent arrearages.

Tenant's Request to Review DHCD's Determination at the Claim Review Stage

After an Owner has submitted an application on behalf of a tenant onto the SHERA Portal, individual tenant claims may be rejected or flagged as an "exception" for secondary review, where further documentation may be requested from the Owner. During that review process, Owners are expected to diligently attempt to obtain and submit the requested documentation, which may include obtaining such documentation from the tenant.

If the tenant's claim is ultimately denied by DHCD, DHCD will notify the tenant and the Owner of the denial by letter. This notice will provide the tenant with 15 calendar days for the opportunity to ask DHCD to review the denial. If a tenant elects to seek a DHCD review, the Owner will be responsible for working with the tenant to obtain a written request with supporting documentation and for submitting a completed request to DHCD via the Owner Portal.

1. Upon receipt of the request, DHCD will review all submitted documentation to determine whether the tenant is eligible for SHERA within 15 calendar days (of receiving the request). Upon review, if DHCD determines that the tenant is eligible for SHERA, DHCD will continue to process the tenant's claim for payment and notify the Owner and tenant of the decision. Alternatively, if DHCD confirms that the tenant is ineligible for SHERA, DHCD will notify the Owner and tenant of the decision, including: A statement encouraging the tenant to notify the Owner of any changed circumstances in the future in case the tenant may then be eligible for SHERA; and
2. A listing of available rental assistance resources, including information on the no-cost community mediation program.

Assistance Outside of the Application Process

Outside of the application review process, Owners, tenants, or their respective representatives may have reasons to reach out to DHCD with questions about the process, eligibility standards, or other aspects of the SHERA Program. Parties are encouraged to reach out to DHCD with questions by email to shera@mass.gov. DHCD will monitor and respond to inquiries in a timely manner.

Owner's Continued Responsibilities

Owners are reminded that they remain responsible under the SHERA Program to work with all tenants with rent arrearages, including as follows:

- Meeting with tenants impacted by COVID-19 pandemic in a mediation program such as the state-funded no cost community mediation program to identify a mutual resolution;
- Making reasonable efforts to offer rent arrearage forgiveness with households impacted by the COVID-19 pandemic;



- Promoting, supporting and accepting access to emergency rental assistance programs and assisting affected households in determining eligibility for rental relief funds; and
- Utilizing repayment plans, rent arrearage forgiveness, and rental assistance resources for affected households in lieu of initiating eviction actions, whenever possible.

Owners are expected to work with tenants whose applications have been denied for the SHERA Program in the same fashion.

